

(Pub. L. 95-617, title III, §307, Nov. 9, 1978, 92 Stat. 3153.)

DEFINITIONS

The definitions of Secretary and State in section 2602 of Title 16, Conservation, apply to this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3203 of this title.

§ 3208. Relationship to other applicable law

Nothing in this chapter prohibits any State regulatory authority or nonregulated gas utility from adopting, pursuant to State law, any standard or rule affecting gas utilities which is different from any standard established by this chapter.

(Pub. L. 95-617, title III, §308, Nov. 9, 1978, 92 Stat. 3153.)

DEFINITIONS

The definition of State in section 2602 of Title 16, Conservation, applies to this section.

§ 3209. Reports respecting standards

(a) State authorities and nonregulated utilities

Not later than 1 year after November 9, 1978, and annually thereafter for 10 years, each State regulatory authority (with respect to each gas utility for which it has ratemaking authority), and each nonregulated gas utility, shall report to the Secretary, in such manner as the Secretary shall prescribe, respecting its consideration of the standards established by this chapter. Such report shall include a summary of the determinations made and actions taken with respect to each of such standards on a utility-by-utility basis.

(b) Secretary

Not later than 18 months after November 9, 1978, and annually thereafter for 10 years, the Secretary shall submit a report to the President and the Congress containing—

- (1) a summary of the reports submitted under subsection (a) of this section,
- (2) his analysis of such reports, and
- (3) his actions under this chapter, and his recommendations for such further Federal actions, including any legislation, regarding retail gas utility rates (and other practices) as may be necessary to carry out the purposes of this chapter.

(Pub. L. 95-617, title III, §309, Nov. 9, 1978, 92 Stat. 3153.)

DEFINITIONS

The definition of Secretary in section 2602 of Title 16, Conservation, applies to this section.

§ 3210. Prior and pending proceedings

For purposes of this chapter, proceedings commenced by any State regulatory authority (with respect to gas utilities for which it has rate-making authority) and any nonregulated gas utility before November 9, 1978, and actions taken before such date in such proceedings shall be treated as complying with the requirements of this chapter if such proceedings and actions substantially conform to such requirements. For

purposes of this chapter, any such proceeding or action commenced before November 9, 1978, but not completed before such date shall comply with the requirements of this chapter, to the maximum extent practicable, with respect to so much of such proceeding or action as takes place after such date.

(Pub. L. 95-617, title III, §310, Nov. 9, 1978, 92 Stat. 3154.)

§ 3211. Relationship to other authority

Nothing in this chapter shall be construed to limit or affect any authority of the Secretary or the Commission under any other provision of law.

(Pub. L. 95-617, title III, §311, Nov. 9, 1978, 92 Stat. 3154.)

DEFINITIONS

The definitions of Secretary and Commission in section 2602 of Title 16, Conservation, apply to this section.

CHAPTER 60—NATURAL GAS POLICY

Sec.
3301. Definitions.

SUBCHAPTER I—WELLHEAD PRICING

3311 to 3320, 3331 to 3333. Repealed.

SUBCHAPTER II—INCREMENTAL PRICING

3341 to 3348. Repealed.

SUBCHAPTER III—ADDITIONAL AUTHORITIES AND REQUIREMENTS

PART A—EMERGENCY AUTHORITY

3361. Declaration of emergency.
 - (a) Presidential declaration.
 - (b) Limitation.
3362. Emergency purchase authority.
 - (a) Presidential authorization.
 - (b) Contract duration.
 - (c) Related transportation and facilities.
 - (d) Maintenance of adequate records.
 - (e) Special limitation.
3363. Emergency allocation authority.
 - (a) In general.
 - (b) Allocation of certain boiler fuel gas.
 - (c) Allocation of general pipeline supply.
 - (d) Allocation of user-owned gas.
 - (e) Limitation.
 - (f) Industry assistance.
 - (g) Compensation.
 - (h) Related transportation and facilities.
 - (i) Monitoring.
 - (j) Commission study.
 - (k) "High-priority use" defined.
3364. Miscellaneous provisions.
 - (a) Information.
 - (b) Reporting of prices and volumes.
 - (c) Presidential reports to Congress.
 - (d) Delegation of authorities.
 - (e) Antitrust protections.
 - (f) Effect on certain contractual obligations.
 - (g) Preemption.

PART B—OTHER AUTHORITIES AND REQUIREMENTS

3371. Authorization of certain sales and transportation.
 - (a) Commission approval of transportation.
 - (b) Commission approval of sales.
 - (c) Terms and conditions.

- Sec.
3372. Assignment of contractual rights to receive surplus natural gas.
 (a) Authorization of assignments.
 (b) Effect of authorization under subsection (a).
 (c) Surplus natural gas.
3373. Effect of certain natural gas prices on indefinite price escalator clauses.
 (a) High-cost natural gas.
 (b) Other transactions.
3374. Clauses prohibiting certain sales, transportation, and commingling.
 (a) General rule.
 (b) Natural gas covered by this chapter.
3375. Filing of contracts and agreements.

SUBCHAPTER IV—NATURAL GAS CURTAILMENT POLICIES

3391. Natural gas for essential agricultural uses.
 (a) General rule.
 (b) Curtailment priority not applicable if alternative fuel available.
 (c) Determination of essential agricultural use requirements.
 (d) Authority of Secretary of Agriculture to intervene.
 (e) Limitation.
 (f) Definitions.
- 3391a. “Essential agricultural use” defined.
3392. Natural gas for essential industrial process and feedstock uses.
 (a) General rule.
 (b) Curtailment priority applicable only if alternative fuel not available.
 (c) Determination of essential industrial use requirements.
 (d) Definitions.
3393. Establishment and implementation of priorities.
 (a) Establishment of priorities.
 (b) Implementation of priorities.
3394. Limitation on revoking or amending certain pre-1969 certificates of public convenience and necessity.
 (a) General rule.
 (b) Commission curtailment authority.

SUBCHAPTER V—ADMINISTRATION, ENFORCEMENT, AND REVIEW

3411. General rulemaking authority.
 (a) In general.
 (b) Authority to define terms.
3412. Administrative procedure.
 (a) Administrative Procedure Act.
 (b) Opportunity for oral presentations.
 (c) Adjustments.
3413. Repealed.
3414. Enforcement.
 (a) General rule.
 (b) Civil enforcement.
 (c) Criminal penalties.
3415. Intervention.
 (a) Authority to intervene.
 (b) Access to State courts.
3416. Judicial review.
 (a) Orders.
 (b) Review of rules and orders.
 (c) Judicial review of emergency orders.
3417. Repealed.
3418. Applicability of other Federal statutory provisions relating to information-gathering.

SUBCHAPTER VI—COORDINATION WITH NATURAL GAS ACT; MISCELLANEOUS PROVISIONS

3431. Coordination with the Natural Gas Act.
 (a) Jurisdiction of the Commission under the Natural Gas Act.
 (b) Charges deemed just and reasonable.
 (c) Guaranteed passthrough.

- Sec.
3432. Effect on State laws.
 (a) Authority to prescribe maximum lawful prices.
 (b) Common carriers.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 717x, 717y of this title; title 26 section 29; title 42 section 7255.

§ 3301. Definitions

For purposes of this chapter—

(1) Natural gas

The term “natural gas” means either natural gas unmixed, or any mixture of natural and artificial gas.

(2) Well

The term “well” means any well for the discovery or production of natural gas, crude oil, or both.

(3) New well

The term “new well” means any well—

(A) the surface drilling of which began on or after February 19, 1977; or

(B) the depth of which was increased, by means of drilling on or after February 19, 1977, to a completion location which is located at least 1,000 feet below the depth of the deepest completion location of such well attained before February 19, 1977.

(4) Old well

The term “old well” means any well other than a new well.

(5) Marker well

(A) General rule

The term “marker well” means any well from which natural gas was produced in commercial quantities at any time after January 1, 1970, and before April 20, 1977.

(B) New wells

The term “marker well” does not include any new well under paragraph (3)(A) but includes any new well under paragraph (3)(B) if such well qualifies as a marker well under subparagraph (A) of this paragraph.

(6) Reservoir

The term “reservoir” means any producible natural accumulation of natural gas, crude oil, or both, confined—

(A) by impermeable rock or water barriers and characterized by a single natural pressure system; or

(B) by lithologic or structural barriers which prevent pressure communication.

(7) Completion location

(A) General rule

The term “completion location” means any subsurface location from which natural gas is being or has been produced in commercial quantities.

(B) Marker well

The term “completion location”, when used with reference to any marker well, means any subsurface location from which natural gas was produced from such well in